

REMARKS

According to the May 9, 2008 advisory action, the claim amendments, which were submitted under 37 C.F.R. §1.116 after final rejection, have been entered. Claim 13 is amended herein to correct a typographical error.

Claims 1-24, all the claims pending in the application, continue to stand rejected on prior art grounds only. Specifically, claims 1-24 stand rejected under 35 U.S.C. §102(a) as being anticipated by Rizvi, et al. (Maintaining Data Privacy in Association Rule Mining,” Proceedings of the 28th VLDB Conference, Hong Kong, China, August 2002, 12 pages), hereinafter referred to as Rizvi. Applicants respectfully traverse these rejections because the subject matter of the rejected claims was invented prior to the August 2002 earliest effective date of the cited prior art reference. Thus, the Applicants submit that Rizvi should be disqualified from use as a prior art reference, under 35 U.S.C. §102(a).

More specifically, the Applicants submit that the subject matter of the rejected claims 1-24 was conceived prior to the August 2002 effective date of the Rizvi, as evidenced by the July 2002 publication by the Applicants of the following paper upon which the present application is based: Evfimievski, R. Srikant, R. Agrawal and J. Gehrke, “Privacy Preserving Mining of Association Rules,” Proc. Of 8th ACM SIGKDD Intl. Conf. on Knowledge Discovery and Data Mining (KDD), July 2002. The Applicants further submit that they exercised due diligence from prior to this date to filing of the application.

Support for this position is established by the attached 37 C.F.R. §1.131 declaration signed by two of the three inventors of the subject matter of the application, namely Alexandre Evfimievski and Ramakrishnan Srikant (ATTACHMENT A). The 37 C.F.R. §1.131 declaration

includes, as exhibits, a copy of the August 2002 Rizvi article and a copy of the July 2002 article of the present inventors. A previously presented affidavit signed by J. Gehrke is also provided as an exhibit. This affidavit clarifies that J. Gehrke is a co-author on the July 2002 article, but not an inventor of the subject matter claimed in the present application. Additionally, paragraph [0013] of the 37 C.F.R. §1.131 declaration states that, on May 15, 2003, a patent attorney was instructed to prepare a patent application based on the July 2002 article. A copy of a May 15, 2003 letter supporting this statement is attached to this submission (ATTACHMENT B).

Also submitted herewith is a petition and supporting evidence, under 37 C.F.R. §1.47(a), to permit the acceptance of the 37 C.F.R. §1.131 despite one inventor, Rakesh Agrawal, who is no longer employed by the assignee of the present application, refusing to sign such a 37 C.F.R. §1.131 declaration (ATTACHMENT C).

In view of the foregoing, the Applicants submit that Rizvi should be disqualified from use as a prior art reference, under 35 U.S.C. §102(a), and the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims and further to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

Dated: 7/3/08

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